

REMARKS

We have carefully considered the Official Action dated January 25, 2005, in which each of the pending claims is rejected over a combination of United States Patent 6,389,016 to Sabaa et al. and United States Patent 6,134,237 to Brailean et al. We have combined the subject matters of claims 1 and 8; 9 and 16; 17 and 24; and similarly amended independent claims 37, 39 and 41 to more particularly point out the current invention. The claims, as amended, point out that at least one portion of a packet sequence number of a transmitted packet is set to a value that, when processed in a predictable manner at a receiving station to produce a sequence number for a return packet, identifies the data segment to be transmitted in a next data packet.

The Sabaa system requires that a new field be added to a transmitted packet header, namely, a group number field. Further, the Sabaa system requires that a receiving station that is sending either a positive or a negative acknowledgement packet include a group number in a predefined position in the user data. Thus, the Sabaa system requires that the transmission protocol for both data and acknowledgment packets be changed to accommodate at least the group numbers.

Also, as discussed in response to the prior Office Action, the Sabaa system sends acknowledgements only after specific events have occurred. The Sabaa system sends a positive acknowledgement when all packets of a group have been received. The acknowledgement packet includes an acknowledgement field that is set to indicate a positive acknowledgement, and in certain embodiments the group number of the just received

group is indicated in the predefined position in the user data portion of the packet. (column 5, lines 50-57). If there is a problem with the receipt of packets, the Sabaa system sends a negative acknowledgement which has the acknowledgement field set to a value that indicates the negative acknowledgement and in the user data portion of the packet the group number and sequence number of the packet that was expected by the receiver if the communications were error free. (column 6, lines 39-48). Accordingly, the receiving device must take steps to alter the data portion of the acknowledgement packets to include therein at least information relating to the group number of the packet just received or the group number of the packet that is expected to be received. Further, as pointed out by the Examiner and in our response to a previous Office Action, the Sabaa system does not acknowledge each packet that is transmitted, and thus, cannot provide the information required in claim 1 of the current application, namely, information from which the transmitting station can determine which data to include in a next packet.

The Brailean patent describes a system in which acknowledgement packets are sent after each transmitted packet. The Brailean system requires that the receiving device include in the acknowledgement packets a receive tracking number that indicates the packet sequence number of the data packet that the receiving device expects to receive next, where “the next packet to be received may or may not be the packet next in sequence to the packet most recently received.” (column 9, lines 5-7). The transmit station later checks that the received tracking number is less than or equal to the present transmit tracking number, i.e., the number of the packet to be transmitted next, and determines that no communication error has occurred if the received tracking number is less than or

equal to the present transmit tracking number. Thus, there is no teaching or suggestion in Brailean that the tracking number sent back in the acknowledgement packet specifies or can be used to determine which data are to be included in the next packet for transmission.

When the teachings of the Sabaa system and the Brailean system are combined, the Brailean system adds to the Sabaa system the transmission of an acknowledgement packet after each data packet is received. The acknowledgement packet of such a combined system includes a packet sequence number and a special group number or receive tracking number that, depending on the state of the communication operation identifies the last packet received or the packet expected to be received next. There is thus no teaching or suggestion in the combination of a system that modifies a portion of a packet sequence number that is provided in the conventional packet sequence number field, in order to have sent back in the sequence number field of the associated acknowledgement packet information that identifies the data to be included in a next data packet.

In contrast to the teachings of Sabaa and Brailean and any combination thereof, a receiving device in the current system processes every acknowledgement packet in the same manner, and yet produces the data identifying information. The current system thus does not add header fields to include a special group number or receive tracking number or require such numbers to be supplied in predefined locations in the user data in order to provide to the transmitting station information from which the station can determine which data to include in the next packet. Instead, the current system selectively sets the particular portion of the packet sequence number that is contained in the packet sequence

number field of the transmitted packet to a value that enables the transmission of the data-identifying information back to the transmitting station in a predictably processed acknowledgement packet. There are thus no changes required in the operations of a receiving device in order to convey the data-identifying information back to the transmitter.

Accordingly, the combined teachings of the Sabaa and Brailean system do not teach or suggest the current system because, *inter alia*, the combination does not teach or suggest a system in which at least one portion of a sequence number identifies a particular segment of data within a file such that when a receiving device predictably processes the sequence number to produce an acknowledgement packet, the transmitting station can determine from the sequence number in the acknowledgement packet which data to transmit in a next packet. Accordingly, the combined teaching do no teach or suggest the invention as set forth in independent claims 1, 9, 17, 25, 26, 29, 32, 35, 37, 39 and 41, as amended, and the claims that depend therefrom. In light of the above, we ask that the Examiner enter this amendment and issue a Notice of Allowance for all pending claims.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



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